IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5315 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHARAT B THAKKAR & 7 - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR SATYAJIT SEN for Petitioner(s) : 1 - 8.
MR SP HASURKAR, AGP for Respondent(s) : 1 - 2.
RULE SERVED for Respondent(s) : 3 - 4.

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CORAM : HONOURABLE MR.JUSTICE B.J.SHETHNA
and
HONOURABLE MR.JUSTICE M.C.PATEL

Date : 22/03/2006

ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE B.J.SHETHNA)

There is a challenge to Gujarat Ordinance No.2 of 1994 dated 31st March, 1994 amending Section 3A of the Bombay Motor Vehicles Tax Act,

1958 as being unconstitutional. On 15th April, 1994, the Division Bench of this court admitted the matter by issuing rule on it but refused to grant interim relief against recovery of tax. During the pendency of this petition, the impugned ordinance was repealed. Mr. Hasurkar, learned AGP for the respondent – State of Gujarat places on record the Gujarat Government Gazette dated June 28, 1994 by which Gujarat Act No.9 of 1994 was introduced called as Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 1994. Under Section 5 of the Act, the Bombay Motor Vehicles Tax (Gujarat Amendment) Ordinance, 1994 was repealed.

2. In view of the above, the challenge to the said ordinance does not survive any more and accordingly, this petition is dismissed. Rule discharged. No costs.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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